

1 Richard R. Barker
2 Acting United States Attorney
Eastern District of Washington
3 Courtney R. Pratten
4 Assistant United States Attorney
402 E. Yakima Avenue, Suite 210
5 Yakima, Washington 98901
6 (509) 454-4425

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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF WASHINGTON
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11 UNITED STATES OF AMERICA,) NO: 1:22-CR-2109-SAB-1
12)
13 Plaintiff,)
14 vs.) PLAINTIFF'S SENTENCING
15) MEMORANDUM
16 GREGORIO CANTU,)
17)
18 Defendant.)
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19 The United States of America, by and through Richard R. Barker, Acting
20 United States Attorney for the Eastern District of Washington, and Courtney R.
21 Pratten, Assistant United States Attorney, and submits the following Sentencing
22 Memorandum. For the reasons stated below, under the applicable United States
23 Sentencing Guidelines and the factors set forth in 18 U.S.C. § 3553(a), the United
24 States recommends the Court impose a 60-month term of incarceration followed by
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1 a three-year term of supervised release. Additionally, the United States recommends
2 the Court impose joint and several restitution in the total amount of \$3,811,444.24.

3 I. Base Offense Level and Enhancements
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5 The Presentence Investigation Report (PSIR) provides for a total offense
6 level of 17, and a criminal history category of I, yielding a recommended
7 Guidelines range of 24 – 30 months. ECF 111, ¶ 90. However, the statutorily
8 required minimum sentence is 60 months, which is greater than the recommended
9 Guidelines range. ¶ 90. Hence, the recommended Guidelines range is a 60-month
10 term of imprisonment. ¶ 90. The United States agrees with the Guideline
11 calculations in the PSIR. Further, the United States does not have any objections to
12 the PSIR.
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15 II. Departures
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17 The United States does not seek any departures in this matter.

18 The Guidelines are the starting point and the initial benchmark for the
19 sentencing process. *Kimbrough v. United States*, 128 S. Ct. 558 (2007). The Court
20 “take[s] into account the totality of the circumstances” to determine whether a
21 sentence is reasonable. *Gall v. United States*, 128 S. Ct. 586, 597 (2007).
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1 III. Sentencing Factors Under 18 U.S.C. §3553(a)

2 1. The Nature and Circumstances of the Offense and the History and
3 Characteristics of the Defendant.

4 On June 27, 2022, Defendant and his friend, Mr. Christopher Vaughn Schlax,
5 went to Linage Logistics warehouse, a cold-storage facility located in Grandview,
6 Washington, and set fire to several wooden pallets. ¶ 10. The Grandview Police
7 Department (GVPD) responded to the fire, and, with the assistance of the Bureau of
8 Alcohol, Tobacco, Firearms, and Explosives (ATF), discovered the fire had caused
9 approximately \$700,000.00 in damage. *Id.* It was later discovered Mr. Schlax set this
10 fire intentionally to distract law enforcement so that he and Defendant could attempt
11 to burglarize the Grandview Dollar Tree. ¶ 10.

12 Approximately one week later, on July 4, 2022, Defendant and Mr. Schlax
13 drove to the vicinity of River Valley Fruit at 108 Birch Avenue in Grandview,
14 Washington, with the goal of setting another fire to distract from another burglary of
15 the Grandview Dollar Tree. ¶ 13. The fire caused significant damage to River Valley
16 Fruit's property and resulted in River Valley Fruit's insurance company eventually
17 settling the claim for approximately \$1,500,000.00. *Id.* A few hours after responding
18 to the fire at River Valley Fruit, GVPD responded to a reported fire at the Grandview
19 Dollar Tree. ¶ 14. That fire resulted in the total loss of the store, as well as \$4,000.00
20 in cash deposits. ECF ¶ 14.
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1 On July 6 and 7, 2023, Defendant gave a statement to law enforcement. ¶ 21.
2 He stated he was familiar with the fires in Grandview, and that he was driving around
3 town with a friend when he saw them. ¶ 15. Only later did he acknowledge he was
4 with Mr. Schlax on the morning of June 27, 2022, when the fire at Linage Cold
5 Storage started. ¶ 17. He also later admitted to being with Mr. Schlax on the evening
6 of July 4, 2022, when the second fire started. ¶ 17. Moreover, he admitted the second
7 fire was a distraction so that Mr. Schlax could steal money from the Dollar Tree. ¶ 18.
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9 When law enforcement reviewed the contents of Defendant's phone, they were able to
10 see text messages where Mr. Schlax asked Defendant to assist with another break-in
11 and where he referred to Defendant as his "eyes." ¶ 20.
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14 Defendant has very little criminal history and does not appear to have ever
15 spent more than a week on jail. He lives with his parents and children in a residence
16 he has occupied for approximately 30 years. ¶ 73. According to his sister, Defendant
17 is the caregiver for his children and parents. ¶ 74. Up until Defendant was arrested and
18 placed on pretrial supervision, he appears to have maintained steady employment and
19 generally shown respect for the law. ¶ 80-81. However, irrespective of his lack of
20 criminal history and his steady employment; unfortunately, in 2022 Defendant
21 committed some very serious federal crimes. Admittedly, it was Mr. Schlax who
22 repeatedly set the actual fires to multiple properties – but Defendant was right there
23 with him. Sometimes he drove Mr. Schlax to the site of the fire. Sometimes he picked
24 him up. Mr. Schlax considered him so essential that he called Defendant his "eyes."
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1 When the two of them teamed up for their 2022 crime spree, they not only damaged
2 property that did not belong to them, but they both were willing to risk the possibility
3 of hurting both members of the public as well as first responders and law enforcement.
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5 Mr. Schlax and Defendant gave little to no thought to the resources they were
6 diverting from other emergencies as law enforcement was responding to the various
7 dangerous situations they created.
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9 2. The Need for the Sentence Imposed to Reflect the Seriousness of the
10 Offense, Promote Respect for the Law, and to Provide just Punishment.

11 Defendant's conduct was extremely serious, and he and Mr. Schlax together
12 caused a lot of property damage through their actions. Defendant was the willing
13 participant, and an essential part, in multiple plans to start fires to distract and divert
14 law enforcement resources so that he and Mr. Schlax could commit other crimes.
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16 They repeatedly diverted emergency response resources from the community and
17 repeatedly damaged the property of others. A lot of this damage was beyond repair
18 and all of it resulted in victim businesses needing to go through the time-intensive and
19 stressful process of filing insurance claims on damaged or destroyed property. In the
20 case of the Dollar Tree, the conduct of both Defendant and Mr. Schlax had potential
21 further-reaching implications for the employees and, by extension, their families who
22 would have been affected by the Dollar Tree fire.
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1 While Defendant has historically shown a consistent respect for the law, in
2 2022, Defendant showed a complete lack of respect for the law very suddenly and on
3 multiple occasions in rapid succession.
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5 3. The Need for the Sentence Imposed to Afford Adequate Deterrence to
6 Criminal Conduct and to Protect the Public from Further Crimes of the
7 Defendant.

8 A 60-month sentence of incarceration should be adequate to deter further
9 criminal conduct by Defendant – as well as to deter similarly-situated defendants who
10 are tempted set multiple fires and potentially endanger lives and/or property in the
11 same manner. This will be the longest term of incarceration Defendant has ever faced
12 and it will be for the most serious crimes he has ever been convicted of. It is a serious
13 term of incarceration and one that should more than deter him from anything
14 resembling the actions he took in June, July, and December 2022. Because the United
15 States anticipates the sentence will act as an effective means of specific deterrence, the
16 United States also anticipates it will effectively protect the public from further crimes
17 Defendant may commit.
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IV.

For the reasons outlined above, the United States recommends that the Court impose a sentence of 60-months incarceration. The Government further recommends this term of incarceration be followed by a three-year term of supervised release. Moreover, the Government recommends the Court impose restitution payable to the victims in the amount of \$3,811,444.24.

DATED this 10th day of March, 2024.

RICH R. BARKER
United States Attorney

/s/Courtney R. Pratten
Courtney R. Pratten
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification to the counsel of record in this case.

/s/ Courtney R. Pratten
Courtney R. Pratten
Assistant United States Attorney
United States Attorney's Office
402 E. Yakima Ave., Suite 210
Yakima, WA 98901
(509) 454-4425